

## **EXHIBIT 1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>VERSUS TECHNOLOGY, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>and</b>	)	<b>Civil Action No. 04-1231 (SLR)</b>
	)	
<b>FRESHLOC TECHNOLOGIES, INC.,</b>	)	
	)	
<b>Involuntary Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>RADIANCE, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

**AMENDED COMPLAINT**

Plaintiff Versus Technology, Inc., for its Complaint against Defendant, Radianse, Inc., alleges as follows:

**Nature of the Action**

1. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

**Identification of the Parties**

2. Plaintiff Versus Technology, Inc. ("Versus") is a corporation incorporated under the laws of Delaware. It has its principal place of business at 2600 Miller Creek Road, Traverse City, Michigan 49684.

3. Radianse, Inc., ("Radianse") is a Delaware Corporation with its principal place of business at 439 South Union Street, Suite 403, Lawrence, Massachusetts 01843.

4. Involuntary plaintiff, FreshLoc Technologies, Inc. (“FreshLoc”) is a Texas Corporation with its principal place of business at 15443 Knoll Trail, Suite #100, Dallas, Texas 75248-3453.

### **Jurisdiction and Venue**

5. Jurisdiction is proper in the United States District Court pursuant to 28 U.S.C. §1338(a). Venue is proper in the United States District Court for the District of Delaware pursuant to 28 U.S.C. §1391(b) and (c) and §1400(b).

### **General Background**

6. Versus is a leading developer and marketer of products using infrared (IR) and radio frequency (RF) technology for, *inter alia*, the healthcare industry. Versus’s primary products are passive infrared locating systems with radio frequency supervision, passive data collection systems, asset locating systems, portal detection systems and location event processing software.

7. Radianse markets and sells an Indoor Positioning System (IPS) product, known as the Radianse Indoor Positioning Solution (the “Radianse IPS product”), for the healthcare environment which combines radio frequency (RF) and infrared (IR) transmissions with receivers to present real-time location data.

### **Count I – Patent Infringement – Radianse IPS**

8. Versus incorporates paragraphs 1 to 7 by reference as if fully set forth herein.

9. On June 25, 1991, United States Patent 5,027,314 entitled “Apparatus and Method for Position Reporting” (the “314 Patent”) was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the 314 Patent is attached as Exhibit A.

10. On November 5, 1996, United States Patent 5,572,195 entitled “Sensory and Control System for Local Area Networks” (the “195 patent”) was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the 195 Patent is attached as Exhibit B.

11. On July 25, 2000, United States Reissue Patent 36,791 entitled “Location System Adapted For Use In Multipath Environments” (the “791 patent”) was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the 791 Patent is attached as Exhibit C.

12. On November 28, 2000, United States Patent 6,154,139 entitled “Method and System for Locating Subjects within a Tracking Environment” (the “139 patent”) was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the 139 Patent is attached as Exhibit D.

13. Versus is the owner of the 314 and 139 Patents.

14. FreshLoc is the owner of the 195 and 791 Patents. Versus is the exclusive licensee of the 195 and 791 Patents, with the right to bring suit thereon.

15. Radianse has infringed at least one claim of each of the 314, 195, 791 and 139 Patents by, at least, directly making, using, selling, and/or offering to sell its Radianse IPS product, and/or inducing or contributing to the infringement of the Patent claims.

16. Upon information and belief, the aforesaid infringement by Radianse has been willful.

17. Versus has been damaged by the infringement, and will continue to suffer irreparable harm and damage as a result of this infringement, unless such infringement is enjoined by the Court.

**WHEREFORE**, plaintiff Versus prays for the following relief:

(a) Entry of preliminary and permanent injunctions against Radianse’s continued infringement of the 314, 195, 791, and 139 Patents by making, using, selling or

offering for sale the Radianse IPS product; an accounting for damages in an amount no less than a reasonable royalty, such damages to be trebled pursuant to 35 USC § 284; an assessment of interest costs and reasonable attorneys fees pursuant to 35 USC § 285;

(b) Trial by jury on all issues so triable; and

(c) Such other and further relief as the Court may deem appropriate, including an award of prejudgment interest, costs, and attorney fees.

This the 25<sup>th</sup> day of March, 2005.

s/ James M. Lennon  
George Pazuniak (DE #478)  
Gerard M. O'Rourke (DE #3265)  
James M. Lennon (DE #4570)  
CONNOLLY BOVE LODGE & HUTZ LLP  
The Nemours Building  
1007 North Orange Street  
Wilmington, DE 19899  
Telephone: 302-658-9141  
Facsimile: 302-658-5614

*Attorneys for plaintiff, Versus Technologies, Inc.*